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September 27, 2013

VIA ECF

Magistrate Judge Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Ralph Hoeffner, et al. v. Joe D'Amato, et al.*
Civil Action No. 09-3160(PKC)(CLP)**

Dear Judge Pollak:

We represent Plaintiffs in the above-referenced action. During the September 10, 2013 status conference, Plaintiffs requested prompt production of documents located in the Local 1175 Fund "basement," which were referenced in the March 11, 2013 Stipulated Discovery Order, in order to permit Plaintiffs to timely comply with the current October 11, 2013 deadline for production of expert welfare reports. Defendants responded, *inter alia*, that the recently produced Local 1175 Fund database may be sufficiently complete to obviate the need for production. Your Honor instructed the parties to meet and confer, with experts, concerning the contents and completeness of the copy of the Local 1175 Fund database files produced to Plaintiffs, to determine whether production of the "basement" documents was still necessary.

Counsel for Plaintiffs noted that compliance would likely be delayed by an imminent trial obligation for the undersigned, as well as the fact that the person who has been analyzing the Local 1175 database for Plaintiffs was then in China on his honeymoon. The Court therefore instructed Plaintiffs to provide a status report on or before September 27, 2013 on their progress toward holding the meet and confer.

In compliance with this instruction, Plaintiffs hereby advise the Court that the undersigned's trial obligation in Nassau County has now completed. We also understand that Mr. Li will return to the United States next week.

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In light of the foregoing, the parties have agreed to meet and confer, with experts, concerning the database on October 7, 2013. Discussions are ongoing as to whether the meet-and-confer will be in person or by telephone, as Mr. Li is based in Virginia.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer S. Smith", written over a horizontal line.

Jennifer S. Smith

cc:

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